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MEMO ENDORSED

October 4, 2023

Via ECF

The Hon. Judge Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Martin Handler, et al.*, No. 23-CR-004 (JHR)

Dear Judge Rearden:

We represent Martin Handler and write jointly with counsel for his brother, Isidore Handler. We write to respectfully request a temporary modification to Martin and Isidore's conditions of release in order to allow them to travel to Israel from October 15–18 to participate in two memorials for their father.

As Your Honor knows, the Handlers' father passed away last week on Thursday evening, and per his wishes, was to be buried in Israel. On Friday morning, therefore, we filed an emergency letter motion requesting permission for the Handlers to travel to Israel to participate in their father's burial and funeral. Around 5:30 Friday afternoon, Your Honor granted that motion, authorizing the Handlers to travel to Israel. *See* Dkt. 150. Unfortunately, given that the *Sukkot* holiday began Friday evening around 6:30 P.M., and continued until Sunday evening (during which time the Handlers were forbidden from doing work or planning their trip), and that the funeral was scheduled for Monday in keeping with Jewish tradition to bury the deceased as soon as possible after death, the Handlers were unable to arrange to travel with the body to Israel for the funeral. The funeral was held in Jerusalem on Monday, with neither the deceased's wife nor any of his children present. Neither Martin nor Isidore left New York.

The family now plans to conduct a grave-side memorial in Jerusalem on October 16, followed the next day by the gravestone unveiling. Martin and Isidore would both like to be able to participate in those important events, as a final good-bye to their father. It is of particular importance to the Handlers' now-widowed mother that as much of the family as possible attend these services. To that end, the Handlers' mother, brother, and four sisters all plan on flying to Israel to join in the memorials and unveiling.

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For the reasons discussed in our previous letter, Dkt. 146, neither Handler presents any flight risk.¹

If Your Honor grants this request, Martin and Isidore will immediately return to the United States after the memorial and unveiling. We therefore request that the Court so-order this letter and allow the temporary return of both Isidore and Martin's passports and allow them to travel to Israel from October 15–18.

Finally, Isidore Handler's passport is due to expire soon and so, to be allowed to travel, he may need to renew it before traveling. If that is the case, his counsel respectfully requests permission to do so, with the understanding that it will be kept in the custody of his counsel except for such time as it is needed by the passport agency or for the actual travel.

We have spoken to the U.S. Attorney's Office and they oppose this request for the same reasons set out in their previous letter, but they do not intend to make an additional submission in response to this request.

Justine Harris and Raphael Friedman, counsel for Isidore Handler, join this letter motion in full. We greatly appreciate the Court's expeditious consideration of both of these requests.

Respectfully submitted,

/s/

Susan Necheles
Gedalia Stern

Cc AUSAs Jacob Fiddelman (via ECF)
AUSA Catherine Ghosh (via ECF)
AUSA Daniel Wolf (via ECF)

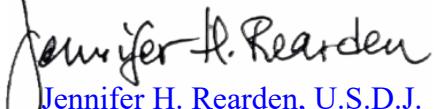
¹ As Your Honor knows, Isidore Handler recently pleaded guilty, pursuant to a plea agreement, to a single count of violating of 18 U.S.C. 371 in connection with falsifying records to impede an investigation of a government agency in violation of 18 U.S.C 1519. The charges against Martin Handler are still pending, although there have been discussions with the government about a possible pre-trial resolution to his case.

Application denied without prejudice to renewal. The Court will reconsider Defendants' application upon the provision of additional information, as well as a proposal for temporary enhancements to Defendants' bail conditions, as follows:

- additional details regarding Defendant I. Handler's possible passport renewal, including (i) the date on which I. Handler's passport will expire (along with proof of same); (ii) whether I. Handler's passport, if not set to expire before Defendants' proposed trip, will nevertheless satisfy any applicable passport validity requirement(s); and (iii) the Government's and Pretrial Services' respective positions on the renewal of I. Handler's passport and the request to keep the passport in his counsel's custody
- information about which members of Defendants' immediate families (without using names) would accompany Defendants to Israel
- substantiation that the memorial and unveiling are scheduled to take place in Israel on October 16 and 17, 2023
- proposed enhancements to Defendants' bail conditions to be imposed during their trip, as well as the Government's and Pretrial Services' respective positions on same

The Clerk of Court is directed to terminate ECF No. 152.

SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Date: October 6, 2023